

APPROVED: Meeting No. 35-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 32-84

September 24, 1984

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, September 24, 1984, at 7:15 p.m.

PRESENT

Mayor pro tem John Tyner

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

The Mayor and Council met in executive session to discuss property negotiations. There being no further business to come before the Council in executive session the meeting was adjourned at 7:50 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, September 24, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; City Clerk Helen M. Heneghan

Re: City Manager's Report

Mr. Blick reported the following:

1. All three landlords of the apartments in the Monroe/Blanford area have increased the number of dumpsters or the frequency of refuse collection. This should take care of the problem to the neighbors.
2. The Citizens Advisory Commission on Public Education in cooperation with the PTAs of Richard Montgomery and Rockville High School will sponsor a School Board Candidates forum on October 10 at 7:30 at Richard Montgomery High School.
3. The contractor has completed construction of the new parking lot at the Senior Citizens Center.
4. Rockville's Municipal Channel #23 is in operation on the air and is showing video text programs 24 hours a day. Among the types of information included are Mayor and Council agendas and summary reports and calendars of public meetings, etc.
5. Twenty-two students from Pinneberg, Germany, will arrive in Rockville tomorrow accompanied by two student advisors. Several activities are planned during their stay in the City. They will visit New York and Boston prior to returning to Germany.
6. A public hearing will be held tomorrow night at 8:00 p.m. at the former Hungerford Park Elementary School on the proposed location and design of Ritchie Parkway. Persons interested on learning more about the project can meet with the staff from 7 to 8 p.m.
7. Jack Dixon, Public Works Construction Inspection Supervisor, died yesterday at Suburban Hospital. Viewing will be tomorrow at Tyson-Wheeler Funeral Home at 2 p.m. and at 7 p.m. The funeral will be Wednesday morning at

10 o'clock from St. Jude's Church. Mr. Dixon was a twenty year employee of the City of Rockville.

(Mayor Freeland asked that all observe a moment of silence in memory of Jack Dixon.)

Re: Proclamation: Drama  
Week, October 1-8,  
1984

Proclamation No. 12-84

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 12-84, proclaiming the week of October 1-8 as Drama Week. Councilman Tyner read the proclamation at the request of the Mayor and in which it was urged that all citizens participate in and support the efforts of the theatre by attending one or more of the productions at the F. Scott Fitzgerald Theatre. Receiving copies of the proclamation were Edie Anderson for the Rockville Musical Theatre, John Moser for Rockville Little Theatre, and Patricia Smart from the Society for Theatre Arts in Rockville.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council:

Traffic & Transportation Commission: Harry Regan - Reappointed Chairman - 1 year

Cultural Arts Commission: Beth Carroccio - reappointed - 2 years

RSI, Bd. of Directors: Bernard Shannon - 1 year term  
1016 Scott Drive

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Lisa Taylor, 904 College Parkway. Ms. Taylor asked the Mayor and Council to have the Police again monitor the speeding and truck traffic on College Parkway since the situation seems to be getting worse.

2. Sandy Norse McDonald, 800 Princeton Place. Mr. McDonald told the Council he would like to offer his services to the City on any board or commission the next time there is an opening. He has submitted his letter and resume. Councilman Abrams said the resume has been sent out to the Commission Chairman and it is being reviewed at this time.

3. Richard Terselic, The Hub Cap Man. He offered his assistance to the staff during their review of Chapter 27, Amusements and Vendors Regulations.

4. Joseph Zetts, 121 Ritchie Parkway. Mr. Zetts asked the Mayor and Council to review the procedure for the installation of stadium lights according to the Board of Education regulations, since he said the procedures were not observed during the recent installation. There was no communication to the neighborhood to ask their approval. He expressed his concern that the Mayor and Council authorized the spending of \$55,000 in tax payer funds to a school that exists in the center of the City and is a problem to the residents. After the game students go to the local 7-11 and cause neighborhood problems. He suggested the Mayor and Council ask the 7-11 proprietor to close from midnight to 6 a.m. to give some rest to the neighbors.

Mayor Freeland assured Mr. Zetts that the staff would look into it.

5. Mr. Raymond Schnell, former resident of Marshall Avenue, said he has been a City resident for thirty years and hoped to take walks after his retirement. He has been accosted in the Twinbrook Neighborhood three times by solicitors. He recommended that the Mayor and Council look into walking Police patrols since it seemed it was more important for the Police force to watch out for pedestrians than for speeders. He also objected that the appearance of the City has deteriorated - grass is not being cut and bushes are not being trimmed. If the Licenses and Inspection Department is in charge, they should stay on top of this situation. In many areas poison ivy is thick in the hedges. He also recommended that some of the City staff get out and walk in the neighborhoods

and they will see the apparent problems.

6. Jeryl Gegan, Chairman of the Rockville Housing Authority. Mr. Gegan introduced the new Executive Director of the Rockville Housing Authority, Sandra Edmonds Crewe. She is a former assistant director of management for Housing Opportunities Commission in Montgomery County and possesses an uncanny ability to locate HUD funds. The Mayor and Council welcomed Ms. Crewe to the City. Ms. Crewe thanked the Mayor and Council and assured them of the cooperation she hopes that will exist between the Council and the Authority.

7. Harvey Zuckman, 1235 Derbyshire Road. Mr. Zuckman is the City's representative to the Montgomery County Cable Committee. On August 27 he appeared before the Mayor and Council and brought to their attention a problem with the recent creation by the County of a Board of Directors for Community Access that was made up of 12 groups and had no City representation. He felt this was a violation of the City's agreement. Since that time a meeting was held by the County representatives and Mayor Freeland in an attempt to avoid litigation. Dr. Zuckman feels that because the County Executive has had to effect a compromise with the County Council the City of Rockville does not have to and he feels that these agreements compromise his position and make it more difficult for future representative so he plans to resign effective September 30 to allow for a transition since it is difficult to stay in the position the way it has been handled by the County. Mayor Freeland told Dr. Zuckman there is no official City position in this controversy since he has not yet briefed the Council on the meeting he held with the County Executive. However, he feels the primary interest in the meeting was providing good cable service and the Board of Directors groups can have representatives of the City or County. He has been looking at it as an opportunity to take the initiative and promote positive aspects. It will be discussed this evening under new business. Mayor Freeland

said the question that arises is - if a suit is brought against the County and the City wins it is a question of who would ever win. Dr. Zuckman told the Council that if there is an opportunity for the City to have a representative to the County Commission he would suggest Russell Brown. Mayor Freeland thanked Dr. Zuckman for his suggestion but said he would add to the list Dr. Zuckman's name and those of Mr. Schrack and Mr. Borsari.

8. Mr. William Allen, 926 Farm Haven Drive. Mr. Allen said that on September 10, Michael Wolly spoke concerning the Westmont Development and gave the Citizen Association's position. The North Farm Citizens Association thanks Councilman Abrams for his interest in the problem. The names were given to the Clerk's office today and he thanked the City Manager for his letter to Mr. Wolly concerning the problems if Monroe Street is built as it presently exists. Mr. Allen feels that the Area 12 Plan sent out by the Planning Commission will not satisfy that 60-day requirement nor does it point out the critical intersections of Montrose and Monroe Street and Montrose and Seven Locks. He is concerned that the wrong information is being sent and the oversight should be corrected. Mayor Freeland thanked Mr. Allen and said those points will certainly be passed on to the staff and the Planning Commission.

9. Steve Fisher, 1014 Neal Drive. Mr. Fisher, Chairman of the Alliance for Rockville Citizens. Mr. Fisher said the Alliance for Citizens is very concerned with the development of Westmont. This issue was not presented to the citizens until June. It seems to be rushed through in September. The Neighborhood Planning Group has six developers on it, 3 citizens and representatives of the Boards and Commission and there is no way to give it justice in the present time frame. The neighborhood process may not be the proper route. The entire City should have an opportunity to be involved since this development will effect the entire City. It is his hope that the Mayor and Council will hold a separate hearing. Mayor Freeland assured Mr. Fisher that in all matters before

the Council, every effort is made to see that everyone is heard and this will be no exception.

10. Jean Brady, 725 Wilson Avenue, Executive Director of Victory Housing. Mrs. Brady said construction work is ready to begin October 8 to rehab the St. Mary's convent and is should be ready March 12. She thanked the staff for their work on the matter.

She at this time would like to publicly thank Ray Schnell for his tremendous job on the Senior Citizens Commission and his work with Rockville Seniors, Inc.

11. Ruth Loevinger, 12 Lakeside Overlook. Mrs. Loevinger told the Mayor and Council her problem on returning home and finding the contractor for the Cable Television Company digging and laying cable only ten feet from her door since an easement had been signed that it would be laid ten feet from the edge of the property. She suggested the work be done with a surveyor's plat and more attention be given. The City Manager said Mrs. Loevinger did the right thing by stopping the work. Any other citizen experiencing such problem should call the City so that the City can immediately notify Tribune United.

12. Richard Resnick, 953 Farm Haven Court. Mr. Resnick expressed his frustration and dismay regarding the Planning Commission's action on Planning Area 12. There was too much rush being given since all of the plans take a long time and more time is needed to explore other options. He asked the Mayor and Council to slow down the stream rolling process. He does not agree to a joint public hearing. The Mayor and Council should tell the Planning Commission the schedule is wrong and that the Mayor and Council do not agree. He suggested that in the future applicants for the Planning Commission be screened more thoroughly and asked about their commitment to protect the quality of life in the City.

13. Richard Arkin, 525 Lynch Street. Mr. Arkin said he is a West End Citizens Association Block Captian and at one time a scheme was presented to the neighborhood for flood control for the stream near Beall Elementary, including rebuilding the bridge between the school and the pool. No work has been done and there has been no contact by the staff with the neighborhood since. He asked the Mayor and Council's attention to that. The City Manager assured Mr. Arkin he would be back with more information.

There being no further citizen wishing to address the Mayor and Council, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Appearance: Raymond  
Schnell, Chairman,  
Senior Citizens  
Commission

Mr. Schnell appeared before the Council and gave a report on the past year's activity and plans and goals for the future. He addressed the areas of:

SIGNIFICANT ITEMS CONSIDERED THIS PAST YEAR

1. Report on Accessory Housing
2. Met with Rockville Traffic Department
3. Met with Rockville Planning and L&I Members
4. Report from Montgomery County Health Department
5. Discussed concerns of Senior Citizens (safety, shopping, etc.)
6. Assisted in establishing Mobile Med at Senior Center
7. Assisted in developing Companion Program at Senior Center
8. Endorsed establishment of Mary's House
9. Continued support to clubs, Pump House and Senior Center

RECOMMENDATIONS FOR COMMISSIONS AND CITY STAFFS

1. Better Communications
2. Traffic Concerns (Pedestrian)
3. Planning Concerns (New construction)
4. Safety Concerns (Present facilities)
5. Commercial Concerns (Shopping, etc.)
6. Rockville Senior Center
7. Companion Program
8. Program of Financial Advisement
9. Support to Matters in Accessory Housing
10. More Active Contacts on Legislative Matters
11. More Active Participation in City Budget Review
12. Subsidized Utilities



He suggested the Senior Citizens Commission might operate better in the future if one or more alternates were provided to the group.

Mr. Schnell closed by saying he has enjoyed working with the City, particularly the staff - Lorraine Schack, Karen Lumpkin, Judy Beck and Joan White.

Mayor Freeland thanked Mr. Schnell for his time and devotion to the Commissions in the immediate past with the Seniors Commission, but in prior years with the long service to the Board of Appeals. Mr. Schnell was presented with a Certificate of Appreciation by the Mayor and Council and wished good luck in his home in Myrtle Beach, South Carolina.

Re: Work Session: Ethics  
Ordinance

The Mayor and Council conducted a work session on the proposed Ethics Ordinance. Councilman Abrams suggested to the City Attorney that he would like to see two different documents provided for public hearing in order that comments can come back to the Council on both. He suggested one incorporate the draft recall provision. Councilman Abrams suggested the recall provision be added to the current ordinance in addition to being included in the Charter. It should be made easy and possible for the public to express its will. He suggested a 10% of the voters threshold for a conflict of interest recall instead of the 20% for other matters. The Council passed on its suggestions section by section to the City Attorney and asked that they be incorporated into the ordinance and be returned to the Council for review on the October 8th meeting. Councilman Tyner suggested when the document is ready it be provided to the people who spoke on the issue, civic associations and the boards and commissions involved. Also a date for public hearing will be set when the ordinance returns.

Re: Adoption of  
Ordinance: To grant  
Text Amendment T-60-  
84, Mayor & Council  
of Rockville,  
Applicant, to  
eliminate payment  
bond requirements and  
to further give the  
City Manager  
discretion to accept  
performance security  
other than surety  
bonds

Ordinance No. 34-84

On motion of Councilman Abrams, duly seconded and unanimously passed,  
Ordinance No. 34-84, the full text of which can be found in Ordinance Book No.  
12 of the Mayor and Council, eliminating payment bond requirements, was adopted  
by the Mayor and Council.

Re: Adoption of  
Ordinance: to grant  
Street Closing  
Application, SCA-48-  
84, WHATA, Applicant,  
portion of Westmore  
Road at B&O Railroad  
Tracks

Ordinance No. 35-84

(Mayor Freeland abstained from this item.)

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous  
vote, Mayor Freeland abstaining, Street Closing Application, SCA-48-84, was  
approved by the Mayor and Council.

Re: Award of Contract:  
Rockville Pike  
Landscape Design

The adopted FY 85 CIP provides funding for the design and construction of  
streetscape/landscaping improvements to specified intersections and linear  
segments of Rockville Pike. A key element of this project will be the redesign

of the F. Scott Fitzgerald Park which will serve as the gateway to the Town Center.

Proposals were received from the following five firms:

Coffin and Coffin, Washington, D.C.	\$67,090
DMW-Consultants, Inc., Silver Spring, MD	\$58,950
Earth Design Assoc., Casanova, VA	\$55,000
Greenhorne & O'Mara, Inc., Rockville, MD	\$50,620
Zion & Breen Assoc., Inc., Imbstown, N.J.	\$96,5000

Given the scale and complexity of this streetscape project, Coffin & Coffin's approach to the project as outlined in their technical proposal appeared to be the most appropriate and comprehensive of the firms evaluated. Included within their cost proposal as assisting in the project are an art consultant, a lighting specialist, a planner specializing in pedestrian analysis, an artist for architectural perspectives, an engineering consultant, and a construction cost consultant.

Staff recommends award of the Rockville Pike Streetscape Project, RFP-11-84, to the firm of Coffin & Coffin, in the amount of \$67,090.00.

On motion of Councilman Tyner, duly seconded and unanimously passed, the contract was awarded as the staff recommended to Coffin & Coffin in the amount of \$67,090.

Re: Decision: Special  
Election

Councilman Tyner said he finds the idea of a special election to be neither needed nor helpful. The Mayor and Council would still wind up with an advisory opinion. The timing on this matter would take the City into December. It would be disruptive and would not solve anything. The Mayor and Council have agreed to a procedure and the citizens are comfortable with it. That is a review and strengthening of the Ethics Ordinance.

Councilman Abrams said he does not share the view of Councilman Tyner. He feels a contested referendum to fill the vacancy for the Mayor should be held.

The Mayor and Council could commit itself to fill the vacancy according to the will of the people. He said all along he has felt the Mayor's position was the Mayor's decision but the Council evidently did not agree. There is nothing more disruptive than two Councilmembers calling for the Mayor's resignation. He feels there is a question on whether or not the Mayor and Council can continue to work together as a Mayor and Council since it seems there will continue to be an area diverting the Mayor and Council's attention. A special election would clear the air. The Mayor's position could be vacated at 12:01 a.m. the day after the election. The Mayor and Council could adhere to filling the vacancy as the voters say. Anyone could file to fill the vacancy or it could be none of the above.

Councilman Abrams moved that the Mayor and Council support a resolution to hold a special election.

The motion failed due to lack of a second.

Councilwoman Hovsepien said she agrees with Councilman Tyner that the Ethics Ordinance should be strengthened. She does not favor a special election.

Councilman Duncan said he has no comment. He would prefer that the Mayor and Council move to the next item on the agenda.

Mayor Freeland said it is evident that different people are advising the various members of the Mayor and Council and as long as the consensus of the group that speaks to him are not in favor of his resignation he will follow their wishes. It was his idea that a special election would indicate the true feeling of the electorate. He said he will continue to listen to his advisors of long time and continue to serve as Mayor.

Re: Work Session:  
Vendors and Amusement  
Regulations

(This item was postponed until the October 22 agenda)

Re: Preliminary Review  
and Referral of Text  
Amendment Applica-  
tion, T-63-84, J. A.  
Lynott, Attorney,  
Applicant, a request  
to grandfather  
existing non-  
conforming restaurant  
use in the TCO-1  
Zone.

The Mayor and Council deferred this item until additional information is furnished by the applicant.

Re: Work Session: To  
determine which  
County laws should  
apply within the City

The Mayor and Council deferred this item in order to schedule a Work Session on a non-meeting night. Councilmembers will notify the City Manager of their areas of interest so that staff can be present to do a briefing.

Re: Approval of Contract  
for Victory Housing  
for the Frail Elderly

(Councilman Duncan abstained from this item.)

Victory Housing, Inc., is a nonprofit organization made up of representatives of four Catholic Churches. It has entered into an agreement with Montgomery County which provides funds to convert the former convent above St. Mary's School into a fifteen unit sheltered facility for the frail elderly. The rehabilitation plans for "Mary's House" are now under review by the Division of Licenses and Inspection so that a building permit may be issued. Construction will begin in the immediate future.

As part of the Fiscal Year 1985 Budget, the Mayor and Council appropriated \$26,300 from the Community Development Fund to assist Victory Housing with its expenses during the pre-occupancy period when little or no rental income is available to offset administrative and operation costs. The attached agreement

allows the City to reimburse Victory Housing for CDBG eligible administrative and operational costs in an amount not to exceed \$26,300. In order to be reimbursed, Victory Housing must provide appropriate documentation that such expenses have been incurred. Victory Housing must also provide documentation that it is complying with its contractual obligations to Montgomery County. Accordingly, the County Agreement has been made an attachment to the subject contract.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all voting, Councilman Duncan abstaining, the agreement with Victory Housing was approved by the Mayor and Council.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 27-84, August 27, 1984, were approved as amended.

Re: Correspondence

The Mayor and Council noted the following items of correspondence

1. C. W. Curtis, complaint re parking ticket (and response)
2. Piper and Marbury, re bond sale
3. Department of Interior re Concert Band
4. New Mark Commons Homeowners Association, re sign problem
5. Neil Axel, re traffic problem
6. Zalco Realty, re response to shopping center complaint
7. Mr. & Mrs. C. Mitchell, re crab apple trees
8. P. Diamond, re litter problems

Re: Information Items

1. Letter re Treatment Center parking

Councilwoman Hovsepien asked that the staff look into it.

2. Memo re General Motors Public/Private Partnership
3. Memo on Status of Broome Park

4. Response to citizens complaints
5. Response to subdivision inquiry
6. Information on Admission and Amusements tax to pool corporations

Councilman Duncan asked that this item be placed on a Mayor and Council agenda.

7. Memo on Metro related projects
8. Questions and answers from Manager to Planning
9. Planning Department Quarterly Report
10. Copy of letter from Del. Boergers to Governor re annexation bill
11. Memo re NPAC - Rockville Corridor Plan
12. Letter to Rockville Housing Authority re extermination process

Re: New Business

1. Councilman Abrams asked when the CDBG items would be scheduled for decision. The City Manager said some time before November 15. Councilman Abrams asked the staff to review the testimony received at the hearing and ascertain whether or not any member of the Mayor and Council has a problem voting on this due to a conflict of interest. Councilwoman Hovsepian said she would have a problem with one group since she is a member of their Board of Directors. Councilman Abrams suggested she might want to abstain from the allocation of all funding to charitable organizations since funds would be pro-rated.

2. Councilwoman Hovsepian said the citizens in Area 12 feel they are not getting enough time to review the Planning Commission's alternatives. Councilman Duncan asked that the Mayor and Council look into the sequence that is being followed.

3. Mayor Freeland briefed the Council on the points brought forward by Dr. Zuckman whose discussion was an accurate report of what took place at the meeting between the County Executive, the County Council and Mayor Freeland. It

was the Mayor's feeling, after listening to the discussion by the County people that were the City to pursue litigation it would certainly slow down the cable television process. It was his feeling that time and money would be wasted discussing legal action.

Councilman Tyner said the County Executive and representatives of the Council came to the Montgomery County Chapter of the MML meeting and explained the situation and the members will go back to their constituencies for support and it is his feeling that the constituencies will support that action. The City Manager pointed out that the County is now showing it has a problem with keeping to the signed agreement so that in the future this could be a precedent of the City overlooking an obvious break in the contract. The Mayor disagreed and said it is evident that the actions being taken are for the best interest of the City. The City Manager suggested this all be reduced to writing and a letter be drafted saying the Mayor and Council agrees it is being done for the best interest of the citizens. The Mayor and Council agreed to the City Manager's suggestion and said a letter can be written that will be just as strong as the City Manager wants it.

Re: Adjournment

There being no further business to come before the Council in general session, on motion of Councilman Abrams, the meeting was adjourned at 11:50 p.m. to convene again September 25 at 8:00 p.m. or at the call of the Mayor.